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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,076	06/19/2003	Russell Westerman	074361.00016	7046
7590 05/13/2004			EXAMINER	
Harvey S. Kauget Holland & Knight LLP 100 N. Tampa Street, Suite 4100 Tampa, FL 33602-3644			AHMED, SHAMIM	
			ART UNIT	PAPER NUMBER
			1765	

DATE MAILED: 05/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,076	WESTERMAN ET AL.	
	Examiner	Art Unit	
	Shamim Ahmed	1765	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>11/24/03</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-10,12-18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hopkins et al (6,187,685).

Hopkins et al disclose a process of anisotropically etching a silicon substrate on an insulating layer of silicon oxide, wherein the substrate is subjected to an alternating cyclic process of etching and deposition process and also disclose the use of a pulsed RF bias voltage in conjunction with a high density plasma source (ICP) in order to reduce or eliminate notching (col.2, lines 28-43 and col.3, lines 3-6).

Hopkins et al also disclose in col.3, lines 31-39,

However, when the bias frequency is pulsed, the further etching and passivating step at a higher pressure is not necessary and therefore the process window is much wider, allowing higher mean etching rates as well as avoiding profile deterioration. Furthermore, in this embodiment end point detection is not necessary and a greatly improved notch width control over a much wider range of feature sizes is achieved. Indeed, the notching may be eliminated using this method.

As to claims 7-8,17-18, Hopkins et al disclose the bias voltage is pulsed by repetitive switching to on-off position during the "on" or "off" part of the power supply (ICP) (col.5, lines 54-59 and col.10, lines 14-20).

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As to claims 9-10, Hopkins et al teach that the bias frequency may be RF or DC and both the RF and DC bias voltage can be pulsed (col.2, lines 53-60).

As to claims 12 and 20, Hopkins et al teach that the charge and potential are maintained during a pulse cycle in such that charge build up does not reach a steady state (col.6, lines 36-51).

As to claim 13, Hopkins et al teach that the pulse width of 100 μ s to 5 ms, which reads on the claimed limitation of the pulse width is less than a few milliseconds (col.9, lines 43-44).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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5. Claims 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hopkins et al (6,187,685).

Hopkins et al discussed above in the paragraph 2 but remain silent about the introduction of the pulsing only when the insulation layer is exposed.

However, Hopkins et al disclose that the net result of excessive ion charging is localized etching of the silicon or “notching” at the insulation layer of oxide interface but not at the conductive layer interface, if the insulation layer is replaced by a conductive layer (col.1, lines 28-32).

Therefore, one of ordinary skill in the art at the time of claimed invention would have been motivated to introduce pulsing only when the insulation layer is exposed for reducing “notching” during plasma etching because undesirable “notching” is observed only at the interface of the insulation layer (oxide layer or other dielectric) as taught by Hopkins et al.

Conclusion

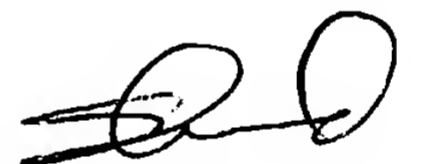
6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bhardwaji et al (6,051,503) and Kaji et al (6,129,806) disclose plasma etching process, wherein etching and deposition occurs alternatively in a cyclic fashion with pulsing high energy source (ICP).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shamim Ahmed whose telephone number is (571) 272-1457. The examiner can normally be reached on M-Thu (7:00-5:30) Every Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine G Norton can be reached on (571) 272-1465. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shamim Ahmed
Examiner
Art Unit 1765

SA
May 4, 2004